

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

In re: CHENELL NYREE RAGIN : No: 5: 18-BK – 03570-JJT
Debtor : Chapter 13
:

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

Now comes CCP Property Owners Association South (the “Association”) and objects to confirmation of the above Debtor’s Chapter 13 plan, and in support thereof avers:

1. The plan cannot be confirmed pursuant to 11 U.S.C. §506(a) which is incorporated into Chapter 13 through 11 U.S.C. §1325(a)(1), 11 U.S.C. §1325(a)(5)(B), for the reason that the Debtor has failed to take into consideration the full amount of the Association’s secured claims.
2. The Association has a pre-Petition claim against the Debtor in the amount of \$26,714.14 (\$9,180.96 of which is secured) in Debtor’s property located at C8 Franklin Court, Country Club of the Poconos at Big Ridge, Middle Smithfield Township, Monroe County, Pennsylvania. Said statutory lien for the secured sum was created pursuant to the Uniform Planned Community Act, 68 Pa.C.S.A. § 5315.
3. Alternatively, should the Association’s lien be converted to an unsecured claim based on the lack of available equity in the Debtor’s property, the Association should be treated the same as all other unsecured creditors, who are to be paid under the Debtor’s proposed Chapter 13 plan.

4. Similarly, under the scenario described in #3 above, the Association's lien should not be voided until completion of payments under the plan and the granting of the Debtor's discharge.

5. Since the current plan does not propose to repay Association the secured portion of its pre-petition claim, and, moreover, even if the Debtor is able to demonstrate that the secured portion of the Association's claim should be treated as unsecured due to the lack of equity in the property, the proposed plan unfairly and improperly discriminates against the Association as a potential unsecured creditor, the Debtor's plan is not feasible as filed.

WHEREFORE, Association respectfully requests that the present plan not be confirmed unless modified as described above.

YOUNG & HAROS, LLC

Date: 2/26/19


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